In the Matter of

DAVID L. CHILD, M.D.

In the State of Arizona.

Holder of License No. 6275

For the Practice of Allopathic Medicine

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Case No. MD-10-1347A

ORDER FOR DECREE OF CENSURE AND PROBATION AND CONSENT TO THE SAME

David L. Child, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Decree of Censure and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of license number 6275 for the practice of allopathic medicine in the State of Arizona.
- 3. The Board initiated case number MD-10-1347A after receiving a complaint from a hospital regarding Respondent's care and treatment of a 22 year-old female patient ("ML") alleging failure to properly perform an abortion procedure.
- 4. On September 8, 2010, Respondent performed a second trimester termination for ML at 19 weeks gestation at his medical center.
- 5. Laminaria were placed the day before and Cytotec was administered the morning of the procedure with local anesthesia and IV medications.
- 6. Respondent did not complete the procedure. He claimed that the cervix could not be completely visualized; however, he did not document this in the chart. He also stated that ML had a history of surgery on her cervix, but this claim is not supported by the medical record.

- 7. Respondent sent ML home and instructed her to return the following day for another attempt at the procedure. The next day ML returned and was administered vaginal Cytotec along with Valium and Ibuprofen.
- 8. A paracervical block was administered in the operating room after the Laminaria were removed. An IV was initiated and Demerol was given. The procedure could not be completed as an ultrasound revealed that the fetal head was still within the uterus. Respondent discontinued the procedure and planned to retry to remove the remaining tissue the next day.
- 9. On September 10, 2010, ML returned and Respondent again administered Cytotec. A repeat ultrasound continued to show products of conception in the uterus. ML was taken to the operating room where evacuation of the uterine content was attempted without success. There was no indication that Respondent attempted to remove the remaining tissue with forceps, which should have been available when carrying out a second trimester termination.
- 10. ML was transferred to the hospital for completion of the procedure. Upon admission, ML's hemoglobin was 7.7. Dilation with Cook's balloon was undertaken along with the use of Oxycontin, two Laminaria, epidural anesthesia and Cytotec to accomplish completion of the procedure. The procedure was performed on September 12, 2010 and ML required antibiotic therapy due to a fever and a diagnosis of chorioamnionitis. She was discharged the following day.
- 11. The standard of care requires a physician to evaluate a patient's hemoglobin after encountering blood loss on the initial attempt to perform a pregnancy termination procedure.

- 12. Respondent deviated from the standard of care by failing to evaluate ML's hemoglobin after the blood loss encountered on the initial attempt to perform the termination procedure.
- 13. The standard of care when performing D&E requires a physician to obtain adequate dilatation of the cervix and have the appropriate equipment to complete the procedure.
- 14. Respondent deviated from the standard of care by failing to accomplish adequate dilatation and failing to implement all tools in an attempt to complete the procedure.
- 15. The standard of care when encountering complications during the performance of a second trimester requires a physician to have a predetermined plan of action to assure continuity of care for the patient.
- 16. Respondent deviated from the standard of care by sending ML home with an incomplete termination rather than transferring her to a facility immediately for completion of the procedure.
- 17. As a result of Respondent's failure to complete the procedure, along with the delay of transfer when the procedure was not completed, ML suffered harm in that she required hospitalization as well as transfusion and IV antibiotic treatment. ML potentially could have suffered harm because chorioamnionitis can lead to sepsis and death as well as scar tissue that could lead to infertility.

CONCLUSIONS OF LAW

 The Board possesses jurisdiction over the subject matter hereof and over Respondent.

- 2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(e) ("[f]ailing or refusing to maintain adequate records on a patient.").
- 3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT:

- 1. Respondent is issued a Decree of Censure.
- 2. Respondent is placed on probation for **one year** with the following terms and conditions:

a. PACE Evaluation

Respondent shall within **six months** of the effective date of this Order complete a PACE evaluation. Respondent shall, at Respondent's own expense, enroll, schedule, pay any fees, and submit his application with any required materials, within **30 days** to PACE. Respondent shall notify the Board immediately upon scheduling a date for the evaluation.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

DATED AND EFFECTIVE this 97% day of 500%, 2011



ARIZONA MEDICAL BOARD

Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

- 1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.
- 2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
- 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
- 4. The Order is not effective until approved by the Board and signed by its Executive Director.
- 5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.
- 6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of

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the Order. Respondent may not make any modifications to the document. modifications to this original document are ineffective and void unless mutually approved by the parties.

- This Order is a public record that will be publicly disseminated as a formal 7. disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.
- If any part of the Order is later declared void or otherwise unenforceable, the 8. remainder of the Order in its entirety shall remain in force and effect.
- If the Board does not adopt this Order, Respondent will not assert as a 9. defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.
- Any violation of this Order constitutes unprofessional conduct and may result 10. in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.
 - Respondent has read and understands the conditions of probation. 11.

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EXECUTED COPY of the foregoing mailed

David L. Child, M.D. Address of Record

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ORIGINAL of the foregoing filed this day of , 2011 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258